

Message Text

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TO AMEMBASSY MOSCOW IMMEDIATE
USMISSION GENEVA
INFO AMEMBASSY PARIS PRIORITY
AMEMBASSY LONDON
AMEMBASSY TOKYO
AMEMBASSY OTTAWA
AMEMBASSY BONN
USMISSION IAEA VIENNA

S E C R E T STATE 119267

LIMDIS, GENEVA FOR KLEIN, US DEL REVCON

E.O. 11652: GDS

TAGS: PARM

SUBJECT: DISCUSSION PAPER FOR NUCLEAR SUPPLIERS MEETING

REF: LONDON 6168

1. AS AGREED AT APRIL NUCLEAR SUPPLIERS (REFTEL), US HAS
PREPARED DISCUSSION PAPER, TAKING INTO ACCOUNT VIEWS
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EXPRESSED AT APRIL MEETING AND IN INTEREST OF REACHING
EARLY CONSENSUS, FOR USE AT THE JUNE 18 SUPPLIERS MEETING
IN LONDON.

2. EMBASSY MOSCOW INSTRUCTED TO DELIVER DISCUSSION PAPER TO FOREIGN OFFICE. AS PER MOROKOV'S REQUEST, US DELEGATION NPT REV CON SHOULD DELIVER PAPER TO MOROKOV AND OFFER TO DISCUSS IT IN MARGINS OF REV CON.

3. ALL POSTS: PAPER IS ALSO BEING GIVEN BY DEPARTMENT TO UK, CANADA, FRG, FRANCE AND JAPAN THROUGH EMBASSIES IN WASHINGTON. IN APPROACH TO THESE GOVERNMENTS, DEPARTMENT IS INDICATING WILLINGNESS TO ANSWER ANY QUESTIONS PRIOR TO JUNE MEETING RE DISCUSSION PAPER THAT MAY ARISE AFTER REVIEW BY GOVERNMENT EXPERTS.

4. FYI. IN DELIVERING THE PAPER, DEPARTMENT IS SUGGESTING

TO FRENCH THAT WE HAVE AN IMMEDIATE BILATERAL TO DISCUSS PAPER AND ANY OTHER ITEMS RELATED TO NUCLEAR SUPPLIER ACTIVITIES AS SOON AS THEY HAVE HAD OPPORTUNITY TO REVIEW THE NEW US PAPER, PERHAPS FIRST WEEK IN JUNE. DEPARTMENT IS ALSO SUGGESTING BILATERALS WITH UK, CANADA AND FRG TO DISCUSS PAPER AND ANY OTHER RELATED NUCLEAR SUPPLIER ITEMS PRIOR TO JUNE MEETING, TIME PERMITTING. END.FYI.

5. TEXT OF US DISCUSSION PAPER FOLLOWS:

QUOTE: DISCUSSION PAPER ON SAFEGUARDS AND EXPORT CONTROLS. BASED ON THE VARIOUS VIEWS EXPRESSED AT THE APRIL MEETING, AND IN THE INTEREST OF REACHING CONSENSUS, THIS PAPER PRESENTS POSSIBLE PROVISIONS FOR SAFEGUARDS AND CONTROLS RELATED TO TRANSFERS, TO ANY NON-NUCLEAR WEAPONS STATE FOR PEACEFUL PURPOSES, OF (A) SOURCE AND SPECIAL FISSIONABLE MATERIAL;(FOOTNOTE) (B) FACILITIES, EQUIPMENT AND COMPONENTS ESPECIALLY DESIGNED FOR THE PROCESSING, PRODUCTION, OR USE OF SPECIAL FISSIONABLE MATERIAL; AND (C) UNPUBLISHED TECHNOLOGY RELATED TO THE DESIGN, CONSTRUCTION, FABRICATION OR OPERATION OF CERTAIN CIVIL NUCLEAR FACILITIES (AS SPECIFIED IN PARAGRAPH A-4 (A) BELOW) OR OF EQUIPMENT OR COMPONENTS ESPECIALLY DESIGNED
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FOR SUCH FACILITIES. IN CONNECTION WITH AN AGREEMENT ON SUCH PROVISIONS, SUPPLIERS WILL NEED TO DEFINE AN EXPORT "TRIGGER" LIST DENOTING QUANTITIES OR ASSAYS OF SOURCE AND SPECIAL NUCLEAR MATERIAL, AND RELEVANT FACILITIES, EQUIPMENT AND COMPONENTS. SUPPLIERS WILL ALSO NEED TO AGREE ON COMMON CRITERIA FOR ASSESSING SIGNIFICANT TECHNOLOGY TRANSFER AS SPECIFIED IN PARAGRAPH A-4 (A) BELOW.

A. SAFEGUARDS AND SPECIAL CONTROLS ON TRANSFERS

1. PROHIBITION ON NUCLEAR EXPLOSIVES
SUPPLIER NATIONS WOULD AGREE TO AUTHORIZE TRANSFER OF ITEMS IDENTIFIED IN AN AGREED TRIGGER LIST ONLY IF THE

RECIPIENT NATION HAS GIVEN FORMAL ASSURANCES THAT SUCH NUCLEAR MATERIAL, FACILITIES, EQUIPMENT AND COMPONENTS TRANSFERRED, ANY SPECIAL FISSIONABLE MATERIAL PRODUCED AS A RESULT OF THEIR USE, WHICH INCLUDES ANY SUBSEQUENT GENERATIONS OF SUCH PRODUCED MATERIAL, WILL NOT BE USED FOR RESEARCH ON OR THE DEVELOPMENT, MANUFACTURE, OR DETONATION OF ANY NUCLEAR EXPLOSIVE DEVICE.

2. APPLICATION OF AGENCY (IAEA) SAFEGUARDS

A. GENERAL RULE. SUPPLIER NATIONS WOULD AGREE TO AUTHORIZE TRANSFERS OF ITEMS IDENTIFIED IN AN AGREED TRIGGER LIST ONLY IF THE RECIPIENT NATION HAS GIVEN

FORMAL ASSURANCES THAT NUCLEAR MATERIAL, FACILITIES, EQUIPMENT, AND COMPONENTS TRANSFERRED, ANY SPECIAL FISSIONABLE MATERIAL PRODUCED AS A RESULT OF THEIR USE, WHICH INCLUDES ANY SUBSEQUENT GENERATIONS OF SUCH PRODUCED MATERIAL, WILL BE SUBJECT TO SAFEGUARDS UNDER AN AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH PROVISIONS FOR DURATION AND COVERAGE IN CONFORMANCE WITH GUIDELINES SET FORTH IN GOV/1621.

B. EXCEPTIONS. SUPPLIER NATIONS WOULD AGREE THAT ANY EXCEPTIONS TO THIS RULE WOULD BE MADE ONLY AFTER CONSULTATION WITH THE GOVERNMENTS PARTY TO THIS UNDERSTANDING. THEY WOULD FURTHER AGREE THAT, IN SUCH EXCEPTIONAL CASES, BILATERAL SAFEGUARDS AT LEAST AS STRINGENT AS THOSE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY WOULD BE IMPLEMENTED.

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MENTED BY THE SUPPLIER NATION.

3. PHYSICAL SECURITY MEASURES

SUPPLIER NATIONS WOULD AGREE TO AUTHORIZE TRANSFERS OF ITEMS IDENTIFIED ON AN AGREED TRIGGER LIST ONLY IF THE RECIPIENT NATION HAS GIVEN FORMAL ASSURANCES THAT PHYSICAL SECURITY MEASURES BASED ON STANDARDS ACCEPTABLE TO THE GOVERNMENT OF THE SUPPLIER NATION, WILL BE IMPLEMENTED WITH THE AIM OF PREVENTING UNAUTHORIZED USE, THEFT AND SABOTAGE OF CIVIL NUCLEAR MATERIALS AND FACILITIES. SUPPLIERS WOULD AGREE TO MINIMUM ACCEPTABLE PHYSICAL SECURITY STANDARDS AND REQUIRE THAT THE RECIPIENT NATION MEET SUCH STANDARDS AS A CONDITION OF EXPORT. IN DOING THIS, SUPPLIERS SHOULD TAKE INTO ACCOUNT THE GUIDELINES RECOMMENDED IN MARCH 1972 BY THE PANEL OF EXPORTS WORKING UNDER INTERNATIONAL ATOMIC ENERGY AGENCY SPONSORSHIP OR AS SUCH RECOMMENDATIONS MAY BE AMENDED.

4. SPECIAL CONTROLS ON EXPORT OF SENSITIVE FACILITIES, EQUIPMENT AND TECHNOLOGY

SUPPLIER NATIONS WOULD AGREE TO AUTHORIZE TRANSFERS OF PILOTOR PRODUCTION FACILITIES FOR THE REPROCESSING OF IRRADIATED NUCLEAR MATERIAL, HEAVY WATER PRODUCTION, OR URANIUM ISOTOPE SEPARATION, OR EQUIPMENT OR COMPONENTS ESPECIALLY DESIGNED FOR SUCH PILOT AND PRODUCTION FACILITIES, OR UNPUBLISHED TECHNOLOGY RELATED TO THE DESIGN, CONSTRUCTION, FABRICATION OR OPERATION OF SUCH PILOT AND PRODUCTION FACILITIES, ONLY UNDER THE FOLLOWING CONDITIONS WHICH ARE ADDITIONAL TO THE PROVISIONS UNDER PARAGRAPH A-1, 2, AND 3.

A. TECHNOLOGY SAFEGUARDS ON ENRICHMENT, REPROCESSING AND HEAVY WATER PRODUCTION

I. THE RECIPIENT NATION HAS GIVEN FORMAL ASSURANCES THAT A PEACEFUL USES PROVISION AS SET FORTH IN PARAGRAPH A-1 ABOVE, SAFEGUARDS EMBODIED IN AN AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY OR SUCH OTHER SAFEGUARDS AS MIGHT BE AGREED UNDER THE PROCEDURES AS SET SECRET

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FORTH IN PARAGRAPH A-2 ABOVE, AND ADEQUATE PHYSICAL SECURITY MEASURES AS SET FORTH IN PARAGRAPH A-3 ABOVE WILL APPLY WITH RESPECT TO PILOT OR PRODUCTION FACILITIES FOR REPROCESSING OF IRRADIATED NUCLEAR MATERIAL, HEAVY WATER PRODUCTION, OR URANIUM ISOTOPE SEPARATION DESIGNED, CONSTRUCTED OR OPERATED WITH THE USE OF TRANSFERRED TECHNOLOGY, INCLUDING TECHNOLOGY EMBODIED IN A TRANSFERRED NUCLEAR FACILITY OF THE SAME TYPE OR IN COMPONENTS OR EQUIPMENT ESPECIALLY DESIGNED FOR SUCH FACILITIES.

II. IN CASES WHERE THE RECIPIENT NATION HAS NOT ENTERED INTO A GENERAL AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY TO HAVE ALL OF ITS NUCLEAR MATERIALS, FACILITIES AND EQUIPMENT SUBJECT TO SAFEGUARDS, THE RECIPIENT NATION HAS AGREED TO ENTER INTO A TRILATERAL SAFEGUARDS AGREEMENT WITH THE GOVERNMENT OF THE SUPPLIER NATION AND THE AGENCY. THIS AGREEMENT SHOULD INCLUDE A PROVISION TO PERMIT THE SUPPLIER NATION, IN CONSULTATION WITH THE RECIPIENT NATION, TO SPECIFY TO THE AGENCY FOR THE APPLICATION OF SAFEGUARDS, ANY FACILITIES AND EQUIPMENT DESIGNED, CONSTRUCTED OR OPERATED FOR THESE PURPOSES WITH THE USE OF TRANSFERRED TECHNOLOGY.

B. MULTINATIONAL ENTERPRISES FOR ENRICHMENT AND REPROCESSING

I. GENERAL RULE. THE SUPPLIER NATION AND THE RECIPIENT NATION HAVE AGREED THAT ANY TRANSFERRED PILOT OR PRODUCTION FACILITY FOR THE CHEMICAL REPROCESSING OF IRRADIATED NUCLEAR MATERIAL OR URANIUM ISOTOPE SEPARATION, ANY SUCH FACILITY DESIGNED, CONSTRUCTED OR OPERATED WITH THE USE

OF TRANSFERRED TECHNOLOGY, INCLUDING TECHNOLOGY EMBODIED IN A TRANSFERRED NUCLEAR FACILITY OF THE SAME TYPE OR IN EQUIPMENT AND COMPONENTS ESPECIALLY DESIGNED FOR USE IN SUCH FACILITIES WILL BE OF A MULTINATIONAL CHARACTER TO INCLUDE DIRECT PARTICIPATION IN POLICY DECISIONS AND TECHNICAL OPERATIONS BY ENTITIES OPERATING UNDER THE CONTROL OF THE GOVERNMENT OF THE SUPPLIER NATION, AND MAY INCLUDE OTHER NATIONAL AND REGIONAL PARTICIPATION, AS APPROPRIATE.

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II. EXCEPTIONS. SUPPLIER NATIONS WOULD AGREE THAT ANY EXCEPTIONS TO THIS RULE WOULD BE MADE ONLY AFTER CONSULTATIONS WITH THE GOVERNMENTS PARTY TO THIS UNDERSTANDING.

C. SPECIAL CONTROLS OF EXPORT OF ENRICHMENT FACILITIES, EQUIPMENT AND TECHNOLOGY

THE RECIPIENT NATION AND THE SUPPLIER NATION HAVE AGREED THAT ANY TRANSFERRED PILOT OR PRODUCTION FACILITY FOR URANIUM ISOTOPE SEPARATION, AND ANY SUCH FACILITY DESIGNED, CONSTRUCTED OR OPERATED WITH THE USE OF TRANSFERRED TECHNOLOGY, INCLUDING TECHNOLOGY EMBODIED IN A TRANSFERRED NUCLEAR FACILITY OF THE SAME TYPE OR IN EQUIPMENT AND COMPONENTS ESPECIALLY DESIGNED FOR SUCH FACILITIES, WILL NOT BE DESIGNED FOR, NOR BE UTILIZED FOR ENRICHMENT OF ANY SOURCE OR SPECIAL FISSIONABLE MATERIAL TO GREATER THAN 20 PERCENT IN THE ISOTOPES OF U235 AND/OR U233 WITHOUT THE WRITTEN CONSENT OF THE SUPPLIER NATION. IN THE EVENT SUCH CONSENT IS GRANTED, A COPY OF THE WRITTEN CONSENT WILL BE DEPOSITED WITH THE AGENCY.

5. CONTROLS ON SUPPLIED OR DERIVED WEAPONS-USUABLE MATERIAL

A. SUPPLIER NATIONS WOULD AGREE TO AUTHORIZE TRANSFER OF SOURCE AND SPECIAL FISSIONABLE MATERIAL ONLY IF THE SUPPLIER AND RECIPIENT NATIONS HAVE AGREED THAT (I) THE STORAGE, CONVERSION, FABRICATION AND UTILIZATION OF ANY SPECIAL FISSIONABLE MATERIAL ENRICHED TO GREATER THAN 20 PERCENT IN THE ISOTOPES U235 AND/OR U233, ANY PLUTONIUM 239, OR OTHER WEAPONS-USUABLE MATERIAL TRANSFERRED, (II) THE SUBSEQUENT ENRICHMENT TO GREATER THAN 20 PERCENT IN THE ISOTOPES U235 AND/OR U233 OF ANY SOURCE MATERIAL OR SPECIAL FISSIONABLE MATERIAL TRANSFERRED, (III) THE REPROCESSING OF IRRADIATED NUCLEAR MATERIAL PRODUCED FROM NUCLEAR MATERIAL TRANSFERRED, AND (IV) THE SUBSEQUENT STORAGE, FABRICATION AND UTILIZATION OF ANY SPECIAL FISSIONABLE MATERIAL ENRICHED TO GREATER THAN 20 PERCENT IN THE ISOTOPES U235 AND/OR U233, ANY PLUTONIUM 239 AND

OTHER WEAPONS-USUABLE MATERIAL DERIVED THEREFROM, WILL
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BE PERFORMED IN FACILITIES ACCEPTABLE TO BOTH PARTIES.

B. ADDITIONALLY, SUPPLIERS WOULD AGREE TO TRANSFER OF REACTOR FACILITIES ONLY IF THE SUPPLIER AND RECIPIENT NATION HAVE AGREED THAT THE REPROCESSING OF ANY NUCLEAR MATERIAL USED OR PRODUCED THEREIN AS WELL AS THE STORAGE CONVERSION, FABRICATION AND UTILIZATION OF ANY SPECIAL FISSIONABLE MATERIAL ENRICHED TO GREATER THAN 20 PERCENT IN THE ISOTOPES U235 AND/OR U233, ANY PLUTONIUM 239 OR OTHER WEAPONS-USUABLE MATERIAL DERIVED THEREFROM WILL BE PERFORMED IN FACILITIES ACCEPTABLE TO BOTH PARTIES.

C. THE CRITERIA THE SUPPLIER NATION WOULD USE, AT HIS DISCRETION, IN ASSESSING ACCEPTABILITY OF FACILITIES IN A. AND B. ABOVE INCLUDE, INTER ALIA:

(I) WHETHER SUCH FACILITIES ARE SUBJECT TO A PEACEFUL USES PROVISION AS SET FORTH IN PARAGRAPH (1) ABOVE.

(II) WHETHER SUCH FACILITIES ARE SUBJECT TO CONTINUING SAFEGUARDS UNDER AN AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY OR OTHER SAFEGUARDS AS MAY BE MUTUALLY AGREED UNDER THE PROCEDURES SET FORTH IN PARAGRAPH (2) ABOVE AND THAT SUCH SAFEGUARDS CAN BE EFFECTIVELY APPLIED.

(III) WHETHER SPECIAL PHYSICAL SECURITY MEASURES MORE STRINGENT THAN THOSE PROVIDED FOR IN PARAGRAPH (3) ABOVE SHOULD BE REQUIRED AT SUCH FACILITIES;

(IV) WHETHER, IN THE CASE OF FACILITIES FOR URANIUM ISOTOPE SEPARATION OR REPROCESSING OF IRRADIATED MATERIAL, SUCH FACILITIES INCLUDE DIRECT PARTICIPATION IN POLICY DECISIONS AND TECHNICAL OPERATIONS BY ENTITIES UNDER THE CONTROL OF THE GOVERNMENT OF ONE OR MORE OF THE PARTIES TO THIS UNDERSTANDING AND/OR INCLUDE PARTICIPATION OF OTHER APPROPRIATE NATIONAL AND REGIONAL ELEMENTS, SO AS TO FURTHER THE NON-PROLIFERATION OBJECTIVES OF THIS UNDERSTANDING; AND

(V) WHETHER THE RISK OF INSTABILITY AND CONFLICT IN THE
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COUNTRY OR REGION WHERE SUCH FACILITIES ARE LOCATED MIGHT CALL FOR SPECIAL RESTRAINT ON THE PRESENCE OF WEAPONS-USUABLE MATERIAL.

6. CONTROLS OF RETRANSFER

SUPPLIER NATIONS WOULD AGREE TO AUTHORIZE TRANSFERS OF ITEMS IDENTIFIED ON AN AGREED TRIGGER LIST AND TECHNOLOGY AS DESIGNATED IN PARAGRAPH A-4 (A) ABOVE ONLY IF THE RECIPIENT NATION HAS GIVEN ASSURANCES THAT NUCLEAR MATERIAL, FACILITIES, EQUIPMENT AND COMPONENTS TRANSFERRED, AND SUCH TECHNOLOGY TRANSFERRED AS DESIGNATED UNDER PARAGRAPH A-4 (A) ABOVE, ANY SPECIAL FISSIONABLE MATERIAL PRODUCED FROM THEIR USE, WHICH INCLUDES ANY SUBSEQUENT GENERATIONS OF SPECIAL FISSIONABLE MATERIAL WILL BE RETRANSFERRED ONLY WITH THE CONSENT OF THE SUPPLIER NATION AND IF ASSURANCES SPECIFIED FOR THE ORIGINAL TRANSFER HAVE FIRST BEEN OBTAINED FROM THE

GOVERNMENT RECEIVING SUCH RETRANSFER.

B. SUPPORTING ACTIVITIES

1. MULTINATIONAL ENTERPRISES

SUPPLIER NATIONS WOULD AGREE TO ENCOURAGE, AS AN ALTERNATIVE TO LARGE NUMBERS OF NATIONAL FACILITIES, MULTINATIONAL AND REGIONAL ENTERPRISES WHERE APPROPRIATE FOR THE REPROCESSING OF IRRADIATED NUCLEAR MATERIAL AND URANIUM ISOTOPE SEPARATION SUBJECT TO THE AGREEMENTS DISCUSSED ABOVE, AND TO PROMOTE AND CONTRIBUTE TO ACTIVITIES WITHIN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND OTHER APPROPRIATE REGIONAL AND INTERNATIONAL FORUMS TO THIS END.

2. PHYSICAL SECURITY

SUPPLIER NATIONS WOULD AGREE TO WORK WITH OTHER CONCERNED NATIONS AND INTERNATIONAL ORGANIZATIONS TO PROMOTE A GREATER AWARENESS WITHIN OTHER GOVERNMENTS OF THE RISKS OF UNAUTHORIZED USE, THEFT OR SABOTAGE OF CIVIL NUCLEAR
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MATERIALS, AND FACILITIES, AND TO CONSULT FURTHER WITH OTHER CONCERNED NATIONS ON APPROPRIATE MEASURES LEADING TO INTERNATIONAL COOPERATION ON THE EXCHANGE OF PHYSICAL SECURITY INFORMATION, PROTECTION OF NUCLEAR MATERIALS IN TRANSIT, AND RECOVERY OF STOLEN NUCLEAR MATERIALS AND EQUIPMENT.

3. SUPPORT FOR EFFECTIVE IAEA SAFEGUARDS

SUPPLIER NATIONS WOULD AGREE TO MAKE SPECIAL EFFORTS IN SUPPORT OF THE CONTINUING EFFECTIVENESS OF IAEA SAFEGUARDS IN LIGHT OF THE PROJECTED WORLD EXPANSION OF NUCLEAR PROGRAMS AND THE NEED TO SAFEGUARD NEW AND

SENSITIVE TYPES OF PROCESSES AND FACILITIES. SUCH EFFORTS WOULD INCLUDE, INTER ALIA, TECHNICAL ADVICE, SUPPORT IN THE BOARD OF GOVERNORS FOR APPROPRIATE BUDGETARY AND PERSONNEL LEVELS, AND SUPPORT FOR SUCH OTHER REASONABLE MEANS AND MANDATES AS THE AGENCY CONSIDERS NECESSARY. PERIODIC AND INFORMAL CONTACTS AMONG REPRESENTATIVES IN VIENNA, WHEN DESIRABLE TO COORDINATE THESE EFFORTS, WOULD BE UNDERTAKEN.

C. CONSULTATIONS ON SPECIAL EXPORT CASES

SUPPLIER NATIONS WOULD AGREE TO CONSULT AS EACH DEEMS APPROPRIATE WITH OTHER CONCERNED GOVERNMENTS ON SUPPLEMENTARY CONDITIONS FOR NUCLEAR TRANSFER TO ENSURE THAT

SUCH TRANSFER SHOULD NOT CONTRIBUTE TO RISKS OF CONFLICT OR THE INSTABILITY OF NATIONS, GROUPS OF NATIONS OR REGIONS UNDER PARTICULAR TENSION.

(BEGIN FOOTNOTE) AS USED IN THIS PAPER, SOURCE AND SPECIAL FISSIONABLE MATERIAL ARE AS DEFINED IN ARTICLE XX OF THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. (END FOOTNOTE)UNQUOTE.

6. POSTS ARE CAUTIONED THAT ISSUES RELATED TO THE NUCLEAR SUPPLIERS' CONFERENCE ARE VERY SENSITIVE AND IT IS PARTICULARLY IMPORTANT TO GUARD AGAINST PUBLIC DISCLOSURE OF THE FACT OF OR ANY DETAILS REGARDING THIS ACTIVITY.

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SEVERAL PARTICIPATING COUNTRIES HAVE REPEATEDLY STRESSED IMPORTANCE THEY ATTACH TO MAINTAINING CONFIDENTIALITY, AND U.S. HAS MADE FORMAL COMMITMENT IN THIS REGARD TO FRANCE. INGERSOLL

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